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**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

NML CAPITAL, LTD.,

Plaintiff,

vs.

SPACE EXPLORATION
 TECHNOLOGIES CORP., aka
 SPACEX, a Delaware corporation; THE
 REPUBLIC OF ARGENTINA, a
 foreign state, including its *COMISIÓN
 NACIONAL DE ACTIVIDADES
 ESPACIALES*, aka CONAE, a political
 subdivision of the Argentine State; and
 DOES 1-10,

Defendants.

CASE NO. 14 CV 02262-SVW-Ex

Hon. Stephen V. Wilson

**DECLARATION OF HAROLD A.
 BARZA**

Filed concurrently with (1) Notice of
 Motion and Motion for Leave to Serve
 Discovery Prior to Rule 26(f)
 Conference and (2) Declaration of Keith
 Volkert

Hearing Date: March 9, 2015
 Time: 1:30 p.m.
 Courtroom: 6

Complaint Filed: March 25, 2014

1 DECLARATION OF HAROLD A. BARZA

2 I, Harold A. Barza, declare as follows:

3 1. I am admitted to practice law in the State of California and I am
4 a partner at the law firm Quinn Emanuel Urquhart & Sullivan LLP, attorneys for
5 plaintiff NML Capital, Ltd. (“NML” or “Plaintiff”). I make this declaration of
6 personal, firsthand knowledge, and if called and sworn as a witness, I could and
7 would competently testify thereto.

8 2. On July 4, 2014, my colleague,. Matthew Hosen, sent an email to
9 counsel for defendants Space Exploration Technologies Corp. (“SpaceX”) and the
10 Republic of Argentina (“Argentina”) (collectively, “Defendants”) requesting a Rule
11 26(f) conference to develop a discovery plan for this matter. (A copy of that email
12 is submitted herewith as Exhibit 1 to this Declaration.) On July 11, 2014, , counsel
13 for Defendant Argentina sent a responsive email declining to attend a Rule 26(f)
14 conference on the ground that the Defendants’ Motion to Dismiss was still pending.
15 (Exh. 1.) Counsel for all parties then attended a telephonic conference on July 17,
16 2014, to further discuss our request. During the telephonic conference on July 17,
17 Defendants’ counsel stated again that they were unwilling to attend a Rule 26(f)
18 conference until after the Court ruled on the Motion to Dismiss. During this
19 telephonic conference, I also requested that Defendants at least produce the launch
20 services contract(s) that are the subject of this litigation. Defendants’ counsel was
21 unwilling to do so, however. (A copy of a letter that I sent, on July 21, 2014,
22 summarizing the call of July 17 is submitted as Exhibit 2.) Argentina’s counsel
23 subsequently confirmed the foregoing in a letter to me dated July 28, 2014, a copy
24 of which is submitted as Exhibit 3 to this Declaration. To date, neither Argentina
25 nor SpaceX has produced the launch services contract(s) at issue, NML has not
26 seen the launch services contract(s), and neither Defendant has agreed to a 26(f)
27 conference.
28

1 3. On January 21 of this year, realizing that time was of the essence
2 to be able to effectively execute on the Launch Services Rights because of the
3 approaching launch dates, I wrote to Defendants' counsel, asking Defendants to
4 agree to conduct limited discovery. (A copy of that email is submitted herein as
5 Exhibit 4.) Attached to this January 21 email was the actual proposed discovery we
6 had prepared, consisting of Interrogatories, Requests for Production and a 30(b)(6)
7 notice. (A copy of the Requests for Production and Interrogatories directed at
8 Argentina are submitted herein as Exhibits 5 and 6, respectively. A copy of the
9 Requests for Production, Interrogatories, and 30(b)(6) deposition notice directed at
10 SpaceX are submitted herein as Exhibits 7, 8, and 9, respectively.)

11 4. On January 28, 2015, counsel for NML engaged in a telephonic
12 meet and confer with counsel for Defendants regarding NML's upcoming Motion
13 for Leave to Serve Discovery Prior to a Rule 26(f) Conference. The attendees to
14 this telephonic conference were: Harold Barza, Robert Cohen, Debra O'Gorman,
15 and Matthew Hosen on behalf of NML; William Donovan on behalf of SpaceX;
16 and, Michael Brennan and Donald Brown on behalf of Argentina.

17 5. I explained at the beginning of the January 28 conference that
18 NML wanted to serve limited discovery on Defendants so that it could then seek an
19 order permitting it to execute on the Launch Rights at issue in this case. Defendants
20 explained that they would not agree to the conduct of any discovery, including the
21 proposed interrogatories, requests for production, or 30(b)(6) notice, until there was
22 a ruling on Argentina's Motion to Dismiss, absent an order from the Court to
23 comply. I then offered to discuss the possibility of narrowing the scope of the
24 discovery requests, but Defendants declined to partake in such discussion on the
25 grounds that it would be procedurally premature.

26 6. At the conclusion of the conference, I informed all other counsel
27 that NML would be filing a Motion for Leave to Serve Discovery Prior to a Rule
28 26(f) Conference.

1
2 I declare under penalty of perjury under the laws of the United States of
3 America that the foregoing is true and correct.

4 Executed February 9, 2015, at Los Angeles, California.

5
6 
7 Harold A. Barza